

REMARKS

Claims 12, 13, 20 and 21 are pending in the present application. Claims 1 to 11 and 14 to 19 have been cancelled without disclaimer or prejudice. Claims 12, 13 and 20 have been amended. Claim 21 is new.

Applicant respectfully requests reconsideration of the application in view of the remarks appearing below.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1 through 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,737,912 to Otsuka and U.S. Patent No. 6,518,814 to Majid et al. Based on the foregoing amendments made to the claims, Applicants respectfully submit that their claimed invention is novel over both the Otsuka patent and the Majid et al. patent.

Otsuka discloses that the characteristics of the gate insulating film leak current is not linear to voltage and, accordingly, the ratio between the gate insulating film leak current of the transistors is not in proportion to the area ratio thereof. However, neither Otsuka nor Majid et al. teach or suggest a predictive function or equation to determine the necessary ratio of the gate electrode areas to provide a desired voltage division. Applicants' claims now recite such a predictive equation.

In view of the preceding comments and the foregoing amendments made to the claims, it is clear that Applicants' claimed invention is novel over the Arakawa patent. Further, there is no suggestion in the Otsuka patent, the Majid et al. patent or elsewhere that the invention described therein could be expanded to cover Applicants' claimed invention.

For at least the foregoing reasons, Applicants respectfully request that the Examiner withdraw the present anticipation rejection.

CONCLUSION

In view of the foregoing, Applicants submit that claims 12, 13, 20 and 21 are in condition for allowance. Therefore, prompt issuance of a Notice of Allowance is respectfully solicited. If any issues remain, the Examiner is encouraged to call the undersigned attorney at the number listed below.

Respectfully submitted,

INTERNATIONAL BUSINESS MACHINES
CORPORATION

By: Lawrence H. Meier
Lawrence H. Meier
Registration No.: 31,446
DOWNS RACHLIN MARTIN PLLC
Tel: (802) 863-2375
Attorneys for Applicants

BTW.449192.1